UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/841,023	OTSUBO ET AL.
	Examiner	Art Unit	
	Vincent M. Rudolph	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 10-22 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sato ('691).

Regarding claim 1, Sato ('691) discloses an image processor, such as a print

controller within an image processing system (See Figure 1, Element 102), used for

recognizing a specific image within the input data (See Figure 7; Col. 8, Line 13-21).

The system executes a determination unit, such as the raster image processing, and

sees if a raster image exists within the image data (See Col. 7, Line 19-23). A

recognition unit, within the image processing system, is used to recognize whether the

specific image, such as a detection of a mark attached to the image, exists in the raster

image outputted from the determination unit (it detects if a mark exists in the attached

image, See Col. 7, Line 27-34).

Regarding claim 2, Sato ('691) discloses an image processor, such as a print

controller (See Figure 1, Element 102), used for recognizing a specific image within the

input data (See Figure 7; Col. 8, Line 13-21). The system has a recognition unit, which

is used to recognize whether the specific image exists in the input image data (whether it detects if a mark exists in the attached image or not, See Col. 7, Line 27-34). It also has a determination unit to tell whether the image data includes a predetermined characteristic, such as a mark to indicate its copyright (See Col. 7, Line 31-34). It then commands the recognition unit within the image processing system to recognize that specific image if the predetermined characteristic is included (See Col. 7, Line 35-45).

Regarding claim 3, Sato ('691) discloses the determination unit determines whether the raster image within the image data includes the predetermined characteristic or not (See Col. 7, Line 27-34).

Regarding claim 10, Sato ('691) discloses an output image data generation unit to generate and output the data (See Col. 7, Line 22-23). This unit temporarily stops, such as pausing while the process is going from one step to another, the generation or the output of the image data if the determination unit decides that the recognition unit is needed, such as if there is a detection mark, for processing the image data (See Col. 7, Line 24-34).

Regarding claim 11, Sato ('691) discloses an output image data generation unit to generate and output the data (See Col. 7, Line 22-23). This unit temporarily stops, such as pausing while the process is going from one step to another, the generation or output of the image data if the determination unit determines that the possibility of including a specific image in the image data is higher than a predetermined level, such as either the mark being detected or not, as a result of the recognition unit processing,

such as the likelihood that the specific image includes a mark and is copyrighted (See Col. 8, Line 9-21).

Regarding claim 12, Sato ('691) discloses an output image data generation unit to generate and output the data (See Col. 7, Line 22-23). The included determination unit executes processing for making determination on image data for every predetermined unit being processed, such as receiving the data and executing the raster image processing (See Col. 7, Line 19-23). The output image data generation unit also changes the quantity, for example from one page to zero, of the output image data if it is determined that the possibility of including the specific image, as a result of the recognition unit, in the image data is higher than a predetermined level, such as it a specific image within the image data has a mark and is copyrighted (See Col. 7, Line 35-45).

Regarding claim 13, Sato ('691) discloses the output image data generation unit stops the generation or output of the image data if the recognition unit detects the existence of the specific image (See Col. 7, Line 35-45).

Regarding claim 14, Sato ('691) discloses the output image data generation unit outputs fixed data, such converting the image data all into a blank page, as the output image data if the recognition unit detects the specific image (See Col. 10, Line 1-9).

Regarding claim 15, Sato ('691) discloses the output image data generation unit outputs a character string informing that the existence of the specific image is recognized (a warning display on the host computer, Col. 10, Line 1-6) if the recognition unit detects the specific image.

Regarding claim 16, Sato ('691) discloses an output image data generation unit to generate and output the data (See Col. 7, Line 22-23). This unit stops the generation or output of the image data if the recognition unit detects the existence of the specific image, or a detection mark attached to the image (See Col. 7, Line 35-45).

Regarding claim 17, Sato ('691) discloses that the determination unit determines a mode, such as printing, for generating the output image data and commands the recognition unit to execute the recognition processing if it is a predetermined mode (See Col. 7, Line 19-34).

Regarding claim 18, Sato ('691) discloses the determination unit receives processing in units of page (See Col. 7, Line 19-21).

Regarding claim 19, Sato ('691) discloses an image processor, such as a print controller (See Figure 1, Element 102), used for recognizing a specific image within the input data (See Col. 6, Line 38-44). The system has a recognition unit, which is used to recognize whether the specific image exists in the input image data (it detects if a mark exists in the attached image, See Col. 7, Line 28-35). It also has a determination unit to decide a mode, such as printing, for outputting the image data and commands the recognition unit to execute the recognition processing if it is a predetermined mode (See Col. 7, Line 19-34).

Regarding claim 20, Sato ('691) discloses an image processor, such as a print controller within an image processing system (See Figure 1, Element 102), that generates output image data based on the input image data (See Col. 7, Line 19-26) and then outputs it to a device, such as an image forming device (See Figure 1,

Element 103) provided with a function for recognizing a specific image (See Col. 8, Line

13-21). This includes a determination unit that determines whether the image data

includes the predetermined characteristic (See Col. 7, Line 27-34). It also has an output

image data generation unit that generates the output image data based upon the input

image data and outputs it with added information, such as a warning display on the host

computer (See Figure 8A and 8B), that there is a possibility of including the specific

image in the output image data if the determination unit determines the input image data

includes the predetermined characteristic (See Col. 7, Line 35-45). It also converts the

image data into a blank image and outputs it (See Col. 10, Line 1-9).

Regarding claim 21, Sato ('691) discloses an image processor, such as a print

controller (See Figure 1, Element 102), used for recognizing a specific image within the

input data (See Col. 6, Line 38-44). The system has a recognition unit, such as the

product information, is used to recognize whether the specific image exists in the input

image data (it detects if a mark exists in the attached image, See Col. 8, Line 13-21). It

also has a determination unit for determining whether or not the possibly of including the

specific image exists in the image data and commands the recognition unit to execute

the recognition processing if this information exists (See Col. 7, Line 27-45).

Regarding claim 22, the rationale provided in the rejection of claim 1 is

incorporated herein. In addition, the image processor of claim 1 corresponds to the

computer-readable storage medium (See Col. 6, Line 37-40) of claim 22 and performs

the steps disclosed.

Regarding claim 23, the determination unit is able to tell whether the image data includes a predetermined characteristic, such as a mark to indicate its copyright (See Col. 7, Line 31-34). If the predetermined characteristic is not included, it does not command the recognition unit within the image processing system to recognize the specific image (See Col. 7, Line 46-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato ('691).

Regarding claim 4, Sato ('691) discloses the determination unit determines whether several or plural raster images are continuous, or able to continue the printing process, if the raster images exist in the data, which is determined by their predetermined characteristic as one raster image, or mark to indicate its copyright (See Col. 7, Line 35-45).

Sato (''691) does not disclose whether or not the raster images exist determined as being continuous have the predetermined characteristic as one raster image.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a page of a document contains plural images if the user desires to include it. So, if any of the images contained within the document have

the predetermined characteristic, the determination unit determines if the plural raster images are continuous.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato ('691) in view of Microsoft Windows NT/95/98.

Regarding claim 5, Sato ('691) discloses a determination unit for determining whether the raster image within the image data includes the predetermined characteristic or not (See Col. 7, Line 27-34).

Sato ('691) does not disclose that the size of the output raster image is used as a predetermined characteristic.

Microsoft Windows NT/95/98 discloses a feature where the size of a file and other attributes, such as the file name, can be entered to find the results (See Page 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the size of a file, such as the raster image, disclosed by Microsoft Windows NT/95/98 and incorporate it into the image processing system of Sato ('691) because it helps the user find the specific file desired and determine if the image meets the predetermined characteristic.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato ('691) in view of Kadowaki ('038).

Regarding claim 6, Sato ('691) discloses a determination unit for determining whether the raster image within the image data includes the predetermined characteristic or not (See Col. 7, Line 27-34).

Sato ('691) does not disclose that the resolution of the raster image is used as a predetermined characteristic.

Kadowaki ('038) discloses one of the parameters for the raster image data is the size, which comprises of the resolution, of the raster image in the x and y direction (See Col. 5, Line 53-54), such as 1024x768, for making the determination of the image.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the resolution of the raster image data disclosed by Kadowaki ('038) and incorporate it into the image processing system of Sato ('691) because it helps determine the image parameters when judging whether it meets the predetermined characteristic.

Regarding claim 7, Sato ('691) discloses a determination unit for determining whether the raster image within the image data includes the predetermined characteristic or not (See Col. 7, Line 27-34).

Sato ('691) does not disclose that the number of colors of the raster image is used as a predetermined characteristic.

Kadowaki ('038) discloses one of the predetermined parameters for determining a raster image data is the number of colors component (See Col. 5, Line 46-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the number of colors of the raster image data disclosed by Kadowaki ('038) and incorporate it into the image processing system of Sato ('691) because it helps determine the image parameters when judging whether it meets the predetermined characteristic.

Regarding claim 8, Sato ('691) discloses a determination unit for determining whether the raster image within the image data includes the predetermined characteristic or not (See Col. 7, Line 27-34).

Sato ('691) does not disclose using a compression format of the output raster image is used as a predetermined characteristic.

Kadowaki ('038) discloses one of the predetermined parameters for determining a raster image data is the compression format of the raster image, which is used as the image type of the raster image (See Col. 5, Line 46) and includes compression formats such as JPEG, GIF, BMP, etc.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the compression format of the raster image data disclosed by Kadowaki ('038) and incorporate it into the image processing system of Sato ('691) because it helps determine the image parameters when judging whether it meets the predetermined characteristic.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato ('691) in view of Takaoka ('905).

Regarding claim 9, Sato ('691) discloses an image processor, such as a print controller (See Figure 1, Element 102), used for recognizing a specific image within the input data (See Col. 8, Line 13-21). The system has a recognition unit, which is used to recognize the specific image (See Col. 7, Line 27-34). It also has a determination unit, which commands the recognition unit within the image processing system to recognize

a specific image if the predetermined characteristic, such as the detection mark

attached to the image, is included (See Col. 7, Line 35-45).

Sato ('691) does not disclose that the recognition unit executes processing at a

lower resolution of output, determines the result, and commands again the recognition

unit to execute the processing at a higher resolution if the possibility of including the

specific image in the image data is higher than a predetermined level.

Takaoka ('905) discloses a recognition unit (reading unit, See Figure 12, Element

118) that uses character recognition to classify the type of image data (if it is text,

figures, pictures, or tiles, See Figure 15A and 15B; Col. 23, Line 7-13), separate them

into their respected areas, and process the image to a lower resolution than it was

originally (in order to judge what the image indicates, See Col. 23, Line 28-34). If the

image contains certain characters, then that portion is processed at a higher resolution

(See Figure 19) in order to further determine if it includes the specific image (to judge

whether character exist within that portion, See Col. 24, Line 40-43).

It would have been obvious to one of ordinary skill in the art at the time of the

invention by the applicant to have the recognition processing disclosed by Takaoka

('905) and incorporate it into the image processing system of Sato ('691) because it

optimally sets the initial conditions of an optical recognition without significantly adding

time to the recognition.

Response to Arguments

Applicant discloses Sato ('691) fails to teach or disclose a combination of a

determination unit and a recognition unit and instead discloses only one unit. While the

print controller may be referred to as a system, it is composed of multiple units within it

in order to process the determination and recognition of the image. For example, the

CPU (See Figure 3, Element 104), detecting circuit (See Figure 3, Element 105) and

memory (See Figure 3, Element 106) are contained within the print controller. The CPU

(central processing unit) oversees the raster image processing (the determination unit)

of the print controller, and the recognition unit is the detecting circuit for detecting a

mark on the image (See Col. 6, Line 58-59). In addition, it is noted the independent

claim does not specify that the two units are separate units. Thus, each of these units

combined makes up the system of the print controller that execute the determination

and recognition of the image processor for a predetermined characteristic on the

specific image.

In addition, applicant overcame the rejection of Shah (Pub. # 20020085756) by

perfecting the translation of the foreign priority documents. In light of this, an updated

search was done. Takaoka ('905) discloses the limitations of claim 9, but since nothing

was amended, a final rejection cannot take place.

Based on these facts, this action is made non-final.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vincent M. Rudolph whose telephone number is (571)

272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. -

4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent M. Rudolph
Examiner
Art Unit 2624

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600